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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,667	12/26/2000	Katsuyuki Matsumoto	001716	1951

7590 09/08/2004
ARMSTRONG, WESTERMAN, HATTORI,
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EXAMINER

KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
2125	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,667

Applicant(s)

MATSUMOTO, KATSUYUKI

Examiner

Charles R Kasenge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4, and 5 have been considered but are moot in view of the new ground(s) of rejection. Also, the Office reasserts that Shimazaki inherently discloses an internal power source, or battery, that has a D.C. voltage less than a D.C. voltage provided by the external power source.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki U.S. 6,338,143 in view of Wood U.S. Patent 6,178,514. Referring to claim 1, Shimazaki discloses a portable electronic device (col. 2, lines 43-45) comprising a power source terminal for connecting to an external power source, an internal power source which is lower in voltage than the external power source (col. 2, lines 1-10), first circuit means to execute first data processing, and second circuit means to execute second data processing which has lower speed than the first data processing (col. 4, lines 31-52), wherein the external power source supplies power to the device through a power source terminal when the first circuit means is in an active mode, and the internal power source supplies power to the device when the second circuit means is in the active mode (col. 2, lines 1-10).

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Shimazaki discloses the internal power source being a dry battery or a secondary battery (col. 1, lines 65-67) and the portable electronic device having a USB connector conforming to the Universal Serial Bus standard (col. 3, lines 19-22). Shimazaki discloses the first circuit means is provided by a data communication controller to execute predetermined data communication processing for performing data communication with an external information processing device (col. 3, lines 19-27 and col. 4, lines 8-10), and the second circuit means is provided by a control circuit to execute device operation processing for usual operation of the device (col. 6, lines 31-34).

Shimazaki does not expressly disclose one terminal of the USB connector that provides the power source terminal. Wood discloses a laptop's external power connected to a USB connector to power the device (col. 1, lines 19-36 and col. 10, lines 7-23).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have the external power connected to the USB connector. One of ordinary skill in the art would have been motivated to do this since is a common configuration for the USB standard (col. 1, lines 19-36).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki as applied to claim 1 above, and further in view of Morgan U.S. Patent 5,764,502. Shimazaki discloses interconnected power supplying wires extending from external and internal power sources (Fig. 3). The office also interprets power-supplying wires as inherent to a portable electronic device having internal and external power sources. Shimazaki does not expressly disclose using a reverse flow resist means for two power supplying wires. Morgan discloses

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power supplying wires extending from a power source and having a reverse flow resist means (col. 15, lines 13-37).

At the time this invention was made, it would have been obvious to a person of ordinary skill in the art to use Morgan's reverse flow resist means for Shimazaki's power supplying wires. One of ordinary skill in the art would have been motivated to do this since it is commonly known to use a reverse flow resist means for a power supplying wire in order to protect from overloading the power source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 703 305-8592. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

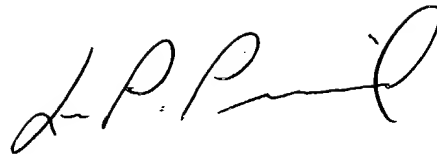
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CK
September 6, 2004

A handwritten signature in black ink, appearing to read "L. Picard", with a stylized flourish at the end.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100